



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

NOTICE

April 13, 2004

OFFICE OF MINE
RECLAMATION

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ARNOLD
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TO: ALL LOCAL AGENCIES

SUBJECT: NEW RESTRICTIONS REGARDING LOCAL AGENCY
PURCHASES OF MINED MATERIALS

The purpose of this letter is to alert you to a change in the California Public Contract Code and to ask your cooperation in enforcing that change. This change may affect your practices in the purchasing of construction aggregate, sand and gravel, crushed stone, road base, fill materials, and any other mineral materials used in your public works, maintenance, or other departments.

New law (Senate Bill 649, Kuehl, Chapter 794 of Statutes 2003), effective January 1, 2004, prohibits surface mining operations which are subject to the Surface Mining and Reclamation Act of 1975 (SMARA) from selling California mined construction material to a local agency unless the operation is identified in a list referred to as the **3098 List**. Prior to SB 649, state law prohibited state agencies from purchasing California mined construction materials from operations not on the list.

The **3098 List** is named for AB 3098 (Sher), the 1992 legislation that created the list as an incentive to surface mine operators to comply with SMARA. All operators on the list have lead agency approved reclamation plans, lead agency-approved financial assurances, and meet a number of other requirements as specified in Subsection 3, Section 2717 (b) of the Public Resources Code. The list, which is maintained by the Department of Conservation's Office of Mine Reclamation (OMR), changes throughout the year, and can be viewed at the OMR website:

www.conservation.ca.gov/OMR/ab_3098_list/index.htm

We ask that you notify your procurement personnel of this new prohibition and consider revising your procurement procedures and policies to reflect this change. To confirm whether or not a specific operator is on or off the list at any given time, OMR should be called at (916) 323-9198. A printed version of the list will be made available upon request.

Please share this notice, or the information contained in it, with others that you believe may be impacted by this change and contact this office, at (916) 323-9198, if you have any questions or concerns regarding a specific transaction.